

## *EXHIBIT E*

## David Roy Southwell - 3/28/2019

<p style="text-align: center;">1</p> <p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA</p> <p>RYSTA LEONA SUSMAN, both individually and as Legal Guardian of SHANE ALLEN LOVELAND, et al., Plaintiffs,</p> <p style="text-align: right;">Case No. 8:18-cv-00127</p> <p>v. THE GOODYEAR TIRE &amp; RUBBER COMPANY,</p> <p style="text-align: center;">Defendant.</p> <hr style="width: 20%; margin: 20px auto;"/> <p style="text-align: center;">DEPOSITION OF DAVID ROY SOUTHWELL</p> <p style="text-align: center;">March 28, 2019</p> <p style="text-align: center;">9:00 a.m.</p> <p style="text-align: center;">Colville &amp; Dippel 1309 E. Broadway Boulevard Tucson, Arizona 85719</p> <p>EPIQ COURT REPORTING 240 West 35th Street 8th Floor New York, New York 10001 (212) 557-7400 Prepared by: Sandra Marruffo, R.P.R., AZ C.R. 50815</p>	<p style="text-align: center;">3</p> <p style="text-align: center;">INDEX OF EXAMINATION</p> <p>1</p> <p>2</p> <p>3 WITNESS: DAVID ROY SOUTHWELL</p> <p>4</p> <p>5 EXAMINATION PAGE</p> <p>6 By Mr. Bott 5, 184</p> <p>7 By Mr. Farrar 179</p> <p>8</p> <p>9</p> <p>10 INDEX TO EXHIBITS</p> <p>11 NO. DESCRIPTION PAGE</p> <p>12 EXHIBIT 1 Handwritten notes by David Southwell 8 in preparation for deposition</p> <p>13</p> <p>14 EXHIBIT 2 Images attached to David Southwell's 86 report, photographs and X-rays</p> <p>15 EXHIBIT 3 Diagram of tire drawn by David 122 Southwell</p> <p>16</p> <p>17 EXHIBIT 4 Photos 128</p> <p>18</p> <p>19 EXHIBIT 5 Photos of left rear tire 128</p> <p>20</p> <p>21 EXHIBIT 6 Photos of left front tire 128</p> <p>22</p> <p>23 EXHIBIT 7 David Southwell's Curriculum Vitae 176</p> <p>24</p> <p>25 EXHIBIT 8 David Southwell's Case List 176</p>
<p style="text-align: center;">2</p> <p>1 The deposition of DAVID ROY SOUTHWELL, 2 noticed by Edward S. Bott, Jr., was taken on March 28, 3 2019, from 9:00 a.m. to 2:33 p.m., at the Offices of 4 Colville &amp; Dippel, 1309 E. Broadway Boulevard, 5 Tucson, Arizona, 85719, before Sandra Marruffo, Arizona 6 certified reporter No. 50815.</p> <p>7</p> <p style="text-align: center;">8 APPEARANCES OF COUNSEL</p> <p>9</p> <p>10 Attorneys for The Goodyear Tire &amp; Rubber Company:</p> <p>11 GREENSFELDER, HEMKER &amp; GALE, P.C.</p> <p>12 BY: Edward S. Bott, Jr.</p> <p>13 10 South Broadway</p> <p>14 Suite 2000</p> <p>15 St. Louis, MO 63102</p> <p>16 (314) 241-9090</p> <p>17 esb@greensfelder.com</p> <p>18</p> <p>19 Attorneys for the Plaintiffs:</p> <p>20 KASTER, LYNCH, FARRAR &amp; BALL, LLP</p> <p>21 BY: Kyle W. Farrar</p> <p>22 1010 Lamar</p> <p>23 Suite 1600</p> <p>24 Houston, TX 77002</p> <p>25 kyle@fbtrial.com</p> <p>ALSO PRESENT: Christian Teare, Videographer</p>	<p style="text-align: center;">4</p> <p style="text-align: center;">TRANSCRIPT OF DEPOSITION</p> <p style="text-align: center;">* * *</p> <p>1</p> <p>2</p> <p>3 THE VIDEOGRAPHER: Good morning. We are</p> <p>4 on the record. This is Disk No. 1 in the deposition of</p> <p>5 David Southwell taken in the matter of Susman, et al.,</p> <p>6 versus Goodyear Tire &amp; Rubber Company. It's in the</p> <p>7 U.S. District Court, District of Nebraska. It's</p> <p>8 Case 8:18-cv-00127. Today's date is Thursday,</p> <p>9 March 28th, 2019, and the time is 9:00 a.m.</p> <p>10 My name's Christian Teare, a legal video</p> <p>11 specialist with Epiq Court Reporting.</p> <p>12 This deposition is taking place at</p> <p>13 1309 East Broadway Boulevard in Tucson, Arizona.</p> <p>14 The certified shorthand reporter is Sandy</p> <p>15 Marruffo with Epiq Court Reporting located at 311 South</p> <p>16 Wacker Drive, Suite 350, in Chicago, Illinois.</p> <p>17 If Counsel would please state their</p> <p>18 appearances, the reporter will swear in the witness.</p> <p>19 MR. FARRAR: Kyle Farrar for the</p> <p>20 plaintiffs.</p> <p>21 MR. BOTT: Ed Bott for Goodyear.</p> <p>22 * * *</p> <p>23</p> <p>24</p> <p>25</p>

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<p style="text-align: right;">13</p> <p>1 A. I will, yeah.</p> <p>2 <b>Q. That's fine. Now, I want to take, first, kind</b></p> <p>3 <b>of a high-level broad view of what I glean from your</b></p> <p>4 <b>report in terms of your opinions. Okay?</b></p> <p>5 A. Uh-huh.</p> <p>6 <b>Q. Break it down a little bit?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. The first thing I note is that you state that</b></p> <p>9 <b>there are -- that "There exists 'extensive areas' of</b></p> <p>10 <b>harder and more brittle rubber in the belt skim coat and</b></p> <p>11 <b>other compounds that have been affected by thermal</b></p> <p>12 <b>oxidative degradation'"?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. Did I state that correctly?</b></p> <p>15 A. Yes, I think so.</p> <p>16 <b>Q. And you specifically, then, point to design</b></p> <p>17 <b>measures which are, in your judgment, successful at</b></p> <p>18 <b>reducing thermal oxidative degradation, including the</b></p> <p>19 <b>inner liner compound formula?</b></p> <p>20 A. Yes.</p> <p>21 <b>Q. Inner liner cured gauge?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. And antioxidative additives to the skim coats</b></p> <p>24 <b>and the compounds?</b></p> <p>25 A. Yes.</p>	<p style="text-align: right;">15</p> <p>1 oxidation.</p> <p>2 <b>Q. Well, whether it's meaningless or not, I</b></p> <p>3 <b>suppose can be debated. But my question is, looking at</b></p> <p>4 <b>the inner liner gauge alone in this tire, are you</b></p> <p>5 <b>testifying to a reasonable degree of engineering</b></p> <p>6 <b>certainty that the cured inner liner gauge was</b></p> <p>7 <b>unreasonably dangerous?</b></p> <p>8 A. Not specifically, no.</p> <p>9 <b>Q. And are you testifying to a reasonable degree</b></p> <p>10 <b>of engineering certainty that the inner liner compound</b></p> <p>11 <b>that was used was unreasonably dangerous?</b></p> <p>12 A. Well, again, I can't be specific about that</p> <p>13 because I don't have that information.</p> <p>14 <b>Q. I'm -- I need to parcel this out, if you can,</b></p> <p>15 <b>whether it's -- I understand where -- where you're coming</b></p> <p>16 <b>from, but I need an answer to this question, whether you</b></p> <p>17 <b>can state to a reasonable -- reasonable degree of</b></p> <p>18 <b>engineering certainty that this liner compound was</b></p> <p>19 <b>defective and unreasonably dangerous.</b></p> <p>20 A. Again, I can't be specific about that --</p> <p>21 <b>Q. All right.</b></p> <p>22 A. -- because that information has not been</p> <p>23 provided by Goodyear.</p> <p>24 <b>Q. Do you hold an opinion to a reasonable degree</b></p> <p>25 <b>of engineering certainty that this tire was defective and</b></p>
<p style="text-align: right;">14</p> <p>1 <b>Q. All right. Is it your opinion to a reasonable</b></p> <p>2 <b>degree of engineering certainty that this tire, the tire</b></p> <p>3 <b>at issue in this case, was defective in design because of</b></p> <p>4 <b>the inner liner compound that was used?</b></p> <p>5 A. I can't be definitive about that because</p> <p>6 Goodyear have not provided that information.</p> <p>7 <b>Q. So the answer to that is, as of today, you are</b></p> <p>8 <b>unable to give that -- you do not have that opinion,</b></p> <p>9 <b>correct?</b></p> <p>10 A. Not specifically about the compound of the</p> <p>11 liner. My opinion is that the design of the tire, which</p> <p>12 incorporates the inner liner compound, the gauge and the</p> <p>13 antioxidants, was inadequate and caused the tire to</p> <p>14 oxidize. But I can't be specific about the compound</p> <p>15 element of that because I don't have that information.</p> <p>16 <b>Q. Okay. Same question with regard to the inner</b></p> <p>17 <b>liner cured gauge. Do you hold an opinion that this tire</b></p> <p>18 <b>was defective because of the cured gauge of the inner</b></p> <p>19 <b>liner that was on this tire?</b></p> <p>20 A. Well, again, the inner liner gauge is -- is</p> <p>21 a -- an element or design parameter that can be changed</p> <p>22 to change the rate at which the -- the skim coat</p> <p>23 compounds will oxidize. But taking the gauge in</p> <p>24 isolation is -- is in many ways meaningless. You have to</p> <p>25 consider all of the factors that -- that affect</p>	<p style="text-align: right;">16</p> <p>1 <b>unreasonably dangerous because of the oxidative agents</b></p> <p>2 <b>that were used or not used in the skim coat and</b></p> <p>3 <b>compounds?</b></p> <p>4 A. Well, again, that information has not been</p> <p>5 provided by Goodyear so I can't be definitive about that.</p> <p>6 <b>Q. So the answer is, as of today, you do not hold</b></p> <p>7 <b>that opinion, correct?</b></p> <p>8 A. Well, I don't hold an opinion either way on</p> <p>9 that because I don't have that level of detail.</p> <p>10 <b>Q. Your report also contains an opinion that the</b></p> <p>11 <b>steel belts around the subject tire exhibit significant</b></p> <p>12 <b>lateral displacement around the tire, which increase the</b></p> <p>13 <b>overall durability load on the tire, making it more</b></p> <p>14 <b>susceptible to failure?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. Okay. This, I assume, would be a manufacturing</b></p> <p>17 <b>defect opinion?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. As opposed to the one we just discussed, that</b></p> <p>20 <b>would be a design-related issue, correct?</b></p> <p>21 A. Well, it could be both in the sense that if the</p> <p>22 design allows for excessive lateral variation, then the</p> <p>23 design is defective. If the design does not allow for</p> <p>24 excessive lateral deviation in the location of the belts</p> <p>25 and the belts exceed the specification, then, in my view,</p>

4 (Pages 13 to 16)